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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Above and Beyond Business Tools and
10 Services for Entrepreneurs Incorporated,

11 Plaintiff,

12 v.

13 David Trumbo,

14 Defendant.

No. CV-23-00256-PHX-JJT

ORDER

15 At issue is the sanction on PayCompass, LLC for its noncompliance with the Court's
16 Order (Doc. 17) compelling responses to Plaintiff's subpoena *duces tecum*. At the hearing
17 in this matter on February 9, 2023 (Doc. 30), the Court ordered Plaintiff to file a "statement
18 of the costs for the Motion to Compel" that the Court will "assess . . . as a penalty for non-
19 compliance" of the Court's Orders by PayCompass as of the date of the hearing, and
20 PayCompass had two weeks thereafter to challenge the reasonableness of Plaintiff's
21 penalty request. (Hr'g Tr. 02/09/2023 at 43:18-25.)

22 Plaintiff duly filed a statement of costs including attorneys' fees totaling \$40,167.00
23 for both this matter and the sister case, CV-23-00256-PHX-JJT. (Doc. 34.) PayCompass
24 responded by (1) challenging Plaintiff's entitlement to costs and fees, and (2) challenging
25 the reasonableness of Plaintiff's request because it went beyond Plaintiff's work on the
26 Motion to Compel. (Doc. 39.) Plaintiff filed a Reply (Doc. 41) that did not comply to the
27 form and format rules of this Court, so the Court did not consider it.
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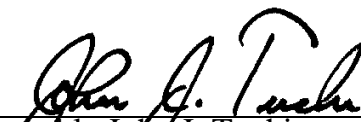
1 PayCompass's first challenge to Plaintiff's request lacks merit. The Court already
2 decided it would award Plaintiff its costs for bringing and seeking enforcement of the
3 Motion to Compel as a penalty for PayCompass's non-compliance with the Court's Order
4 in this case (Hr'g Tr. 02/09/2023 at 43:18-25), which is well within the Court's authority.
5 *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 45 (1991).

6 As for PayCompass's challenge to the reasonableness of Plaintiff's request,
7 PayCompass points out that a substantial part of the attorneys' fees Plaintiff requests were
8 for matters beyond the filing of the Motion to Compel and seeking compliance with the
9 Court's resulting Order. PayCompass asks for a reduction of the penalty to \$15,574.50 in
10 this matter (Doc. 39 at 8) and \$12,182.00 in the sister matter, for a total of \$27,756.50 in
11 both cases.

12 The Court finds that a total penalty of \$27,750.00 for noncompliance in both cases
13 is reasonable and sufficient. The Court will divide that amount equally among the two
14 cases, resulting in a penalty of \$13,875.00 in each case.

15 **IT IS THEREFORE ORDERED** that PayCompass, LLC shall pay Plaintiff
16 Above and Beyond Business Tools and Services for Entrepreneurs Inc. the amount of
17 \$13,875.00 for PayCompass's failure to comply with the Court's Orders (Doc. 17) in this
18 case up to the date of the last hearing on February 9, 2023.

19 Dated this 7th day of April, 2023.

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21 Honorable John J. Tuchi
22 United States District Judge
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